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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

FEB 25 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In re)
)
Amendment of Section 73.202(b),) MM Docket No. 93-
FM Table of Allotments) RM-
(Corning, California))

TO: Chief, Policy and Rules Division
Mass Media Bureau

PETITION FOR RULEMAKING

Phoenix Broadcasting, Inc. (Phoenix), licensee of FM Broadcast Station KCEZ, Corning, California, by its attorney, and pursuant to Section 1.420 of the Commission's Rules, hereby respectfully submits this Petition for Rulemaking, and urges that the Commission amend its FM Table of Allotments, 47 CFR §73.202(b), as follows:

<u>Community</u>	<u>Present</u>	<u>Proposed</u>
Corning, California	264B	264C1

In support whereof, the following is shown:

1. Pursuant to Section 73.205(b), transmitter sites in the state of California south of the 40th parallel of latitude are deemed to be in "Zone I-A". The highest class of FM station permitted in Zone I-A are Class B FM stations.

2. At the present time, KCEZ's transmitter site is located at coordinates 39° 53' 17" North Latitude, 122° 37' 38" West Longitude. As a result, KCEZ operates as a Class B FM station on Channel 264 (100.7 MHz).

3. Phoenix has ascertained that the facilities of station KCEZ can be improved by moving to the transmitter

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site of KCPM-TV (licensed to Chico, California), which is located at coordinates 40° 15' 31" North Latitude, 122° 05' 20" West Longitude. This site is located within Zone II, where the maximum FM facilities are those of Class C stations.

4. Phoenix has commissioned Dataworld, Inc., of Bethesda, Maryland, whose qualifications are well known to the Commission, to prepare a channel allocation study to determine the availability of Channel 264C1 for use by KCEZ at the KCPM-TV site. That study is attached hereto as Exhibit A.

5. The Dataworld study demonstrates that a Class C1 FM station on Channel 264 at the KCPM-TV site is fully-spaced to all other stations, construction permits and vacant allocations; in the case of station KWHO(FM), Weed, California, the Commission in MM Docket No. 88-28 changed its channel from 265A to 272C1, and, on September 10, 1992, the Commission granted KWHO's application for a construction permit to implement Class C1 facilities on Channel 272C1 (File No. BPH-901130ID).

6. Although the community of Corning is itself south of the 40th parallel, the case law reflects that the Commission will allocate Class C or C1 channels to such communities where the transmitter sites are located north of the 40th parallel. FM Table of Assignments, Shingle Springs and

Quincy, California, DA 92-585, 7 FCC Rcd 3113 (1992); FM
Table of Assignments, Quincy, California, DA 92-713, 7 FCC
Rcd 3899 (1992).

7. In the event that the Commission allocates Channel 264C1 to Corning, Phoenix will as soon thereafter as possible file an application on FCC Form 301 for a construction permit to move KCEZ's transmitting facility to the KCPM-TV site. In the event that such application is granted, Phoenix will then move to construct and operate from the new Class C1 facilities.

WHEREFORE, it is urged that this Petition for Rulemaking BE GRANTED, that the Commission SUBSTITUTE Channel 264C1 in place of Channel 264B at Corning, California, and that the Commission MODIFY the license of FM Broadcast Station KCEZ, Corning, California, to reflect the substitution of channels.

Respectfully submitted,

PHOENIX BROADCASTING, INC.

By


Dennis J. Kelly
Its Attorney

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February 25, 1993

CORDON & KELLY
ANNAPOLIS, MD

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February 18, 1993

FM Spacing Study

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Job title: PHOENIX BROADCASTING CO
Channel 264C1
FM Translators excluded.
Coordinates: 40-15-31 122-05-20
Safety zone: 100 km (62 miles).

FM Spacing study

Title: PHOENIX BROADCASTING CO
Channel 264C1 (100.7 MHz)
Database: DW 02/18/93

Latitude: 40-15-31
Longitude: 122-05-20
Safety zone: 100 km

Call	Auth	Licensee name	Chan	ERP-kW	Latitude	Br-to	Dist.	Req.
City of License	St	FCC File no.	Freq	EAH-m	Longitude	-from	(km)	(km)
KCDS	LIC	HOWELL MOUNTAIN BCG COMP	*210B	.79	38-40-09	194.9	182.5	27
ANGWIN		CA BLED-840711DA	89.9	925	122-37-53	14.6	155.5	CLEAR
KZFR	LIC	GOLDEN VALLEY COMMUNITY	*211B1	6.30	39-48-25	141.8	63.82	24
CHICO		CA BLED-900713KD	90.1	179	121-37-35	322.1	39.82	CLEAR
License Granted 04/29/91 per FCC release #21107 dated 05/02/91; Call Granted 06/22/87								
KRKD	CP	FATIMA RESPONSE, INC.	261A	3	41-17-20	353.7	115.1	75
DUNSMUIR		CA BPED-910408MA	100.1	48	122-14-25	173.6	40.12	CLEAR
Deletion proposed; CP Granted 02/26/92 per FCC release #21325 dated 03/03/92; NON-COMMERCIAL OPERATION; ORDERED TO 261C3; Call Granted 05/21/92 per FCC release #183 dated 05/26/92								
KRKD	ORD	FATIMA RESPONSE, INC.	261C3		41-17-20	353.7	115.1	76
DUNSMUIR		CA	100.1		122-14-25	173.6	39.12	CLEAR
DOC-92-124; RM-8001; ORDERED FROM 261A; Call Granted 05/21/92 per FCC release #183 dated 05/26/92								
KSPY	CP	JOHN K. LARUE	262A	.07	40-02-41	102.7	105.3	75
QUINCY		CA BMPH-920316IK	100.3	851	120-53-04	283.5	30.34	CLEAR
Deletion proposed; CP Granted 06/30/92 per FCC release #21416 dated 07/08/92; ORDERED TO 262C3; Was KZDD 10/21/91 per FCC release #169 dated 10/18/91								
KSPY	ORD	JOHN K. LARUE	262C3	.25	40-02-41	102.7	105.3	76
QUINCY		CA BMPH-921102ID	100.3	851	120-53-04	283.5	29.34	CLEAR
DOC-92-55; RM-7939; ORDERED FROM 262A; TDF; Was KZDD 10/21/91 per FCC release #169 dated 10/18/91								
KQEX	CP	NORTH STAR COMMUNICATION	263A	.20	40-30-03	278.9	188.5	133
ROHNERVILLE		CA BPH-880126NQ	100.5	525	124-17-10	97.5	55.52	CLEAR
Deletion proposed; CP Granted 09/06/90 per FCC release #20949 dated 09/14/90; Application for License (BLH-920306KC) accepted per FCC release #15217 dated 03/16/92; ORDERED TO 262C2 FORTUNA, CA; Call Granted 11/01/90 per FCC release #146 dated 11/02/90; Ant: Jampro JLCP-3								
KQPT	LIC	DUCHOSSOIS COMM CO OF CA	263B	115DA	38-38-30	154.2	199.0	195
SACRAMENTO		CA BLH-890807KA	100.5	100	121-05-25	334.8	4.035	CLOSE
License Granted 01/31/90 per FCC release #20788 dated 02/14/90; Was KEBR 04/18/88								
KWAN	CP	GERHARD J. HANNEMAN	263B1	6	38-49-33	219.0	203.8	161
GUALALA		CA BPH-910905MA	100.5	204	123-34-12	38.1	42.75	CLEAR
CP Granted 06/17/92 per FCC release #21407 dated 06/23/92; Call Granted 07/17/92 per FCC release #187 dated 07/17/92								

FM Spacing study

Title: PHOENIX BROADCASTING CO
Channel 264C1 (100.7 MHz)

Latitude: 40-15-31
Longitude: 122-05-20

Call	Auth	Licensee name	Chan	ERP-kW	Latitude	Br-to	Dist.	Req.
City of License	St	FCC File no.	Freq	EAH-m	Longitude	-from	(km)	(km)
KCEZ	LIC	PHOENIX BROADCASTING, IN	264B	50	39-53-17	228.2	61.66	270
CORNING		CA BLH-880419KA	100.7	83	122-37-38	47.9	-208	SHORT

Was KEZD 11/23/87

KCEZ	APP	PHOENIX BROADCASTING, IN	264B	50	39-53-17	228.2	61.66	270
CORNING		CA BPH-921120IF	100.7	49	122-37-38	47.9	-208	SHORT

Received per FCC release #15430 dated 01/04/93; Was KEZD 11/23/87

KTID-FM CP		MARIN BROADCASTING CO, I	264A	.91	37-59-25	188.1	254.3	200
SAN RAFAEL		CA BMPH-911002IE	100.7	247	122-29-58	7.9	54.31	CLEAR

CP Granted 09/16/92 per FCC release #21472 dated 09/22/92; Application for License (BLH-921016KB) accepted per FCC release #15379 dated 10/29/92; Was KTID 05/01/89; Ant: Continental G5CPM-1E; Affiliated with KTID(AM)

KTID-FM APP		MARIN BROADCASTING CO, I	264A	.91	37-59-25	188.1	254.3	200
SAN RAFAEL		CA BPH-921209IB	100.7	243	122-29-58	7.9	54.31	CLEAR

Received per FCC release #15422 dated 12/18/92, accepted per 15436 dated 01/11/93; Was KTID 05/01/89; Affiliated with KTID(AM)

KWHO	LIC	FLORENCE M. GASKEY	265A	.10	41-21-12	353.3	122.4	133
WEED		CA BLH-891127KB	100.9	443	122-15-35	173.2	-10.6	SHORT

Deletion proposed; License Granted 03/29/91 per FCC release #21086 dated 04/03/91; ORDERED TO 272C1

NEW	APP	MOONBEAM, INCORPORATED	265A	.06	38-40-10	194.9	182.5	133
CALISTOGA		CA BPH-911115MG	100.9	898	122-37-52	14.6	49.50	CLEAR

Amended 03/02/92; Received per FCC release #15138 dated 11/27/91, tendered per 15183 dated 01/30/92, accepted per NA-157 dated 03/12/92

NEW	APP	GARY E. WILLSON	265A	.06	38-40-09	194.9	182.5	133
CALISTOGA		CA BPH-911115MO	100.9	898	122-37-53	14.6	49.54	CLEAR

Received per FCC release #15140 dated 12/02/91, tendered per 15183 dated 01/30/92, accepted per NA-157 dated 03/12/92

ALLOC			265A		38-38-07	193.5	185.3	133
CALISTOGA		CA DOC-90-187	100.9		122-35-13	13.2	52.26	CLEAR

Granted effective 10/15/91, adopted 08/13/91, released 08/28/91; Filing window 10/16-11/15/91 **CLOSED** ; SITE RESTRICTION 4.2 MI N

KKMR	LIC	JONSSON COMMUNICATIONS C	265A	6	39-22-04	116.0	220.7	133
SPARKS		NV BLH-910830KB	100.9	62	119-47-07	297.5	87.66	CLEAR

License Granted 05/19/92 per FCC release #21385 dated 05/22/92; Was KROI 11/05/90 per FCC release #146 dated 11/02/90; Ant: Jampro JMPC-5; Affiliated with KPLY(AM)

KHYL	LIC	NATIONAL RADIO PARTNERS,	266B	36.3	38-51-28	149.4	180.3	79
AUBURN		CA	101.1	176	121-01-39	330.0	101.3	CLEAR

Affiliated with KAHI(AM)

FM Spacing study

Title: PHOENIX BROADCASTING CO
Channel 264C1 (100.7 MHz)

Latitude: 40-15-31
Longitude: 122-05-20

Call	Auth	Licensee name	Chan	ERP-kW	Latitude	Br-to	Dist.	Req.
City of License	St	FCC File no.	Freq	EAH-m	Longitude	-from	(km)	(km)
PRM	PROPOSED	RULE MAKING	267C		41-16-54	43.2	157.3	105
ALTURAS		CA DOC-92-272	101.3		120-48-02	224.1	52.28	CLEAR
PRM adopted 10/28/92, released 11/24/92; RM-8107; SITE RESTRICTION 19.7 MI SW								

>> End of channel 264C1 study <<

FM Spacing study

Title: PHOENIX BROADCASTING CO
Channel 264C1 (100.7 MHz)
Database: FCC 01/26/93

Latitude: 40-15-31
Longitude: 122-05-20
Safety zone: 100 km

Call	Auth	Licensee name	Chan	ERP-kW	Latitude	Br-to	Dist.	Req.
City of	License	St FCC File no.	Freq	EAH-m	Longitude	-from	(km)	(km)
KCDS	LIC	Howell Mountain Broadcas	*210B	.80	38-40-09	194.9	182.5	27
Angwin		CA	89.9	925	122-37-53	14.6	155.5	CLEAR
KZFR	LIC	Golden Valley Community	*211B1	6.30	39-48-25	141.8	63.82	24
Chico		CA	90.1	179	121-37-35	322.1	39.82	CLEAR
ALLOC			261C3		41-17-20	353.7	115.1	76
Dunsmuir		CA DOC-92-124	100.1		122-14-25	173.6	39.12	CLEAR
KRKD	CP	Fatima Response, Inc.	*261A	3	41-17-20	353.7	115.1	75
Dunsmuir		CA BPED-910408MA	100.1	48	122-14-25	173.6	40.12	CLEAR
KSPY	APC	John K. LaRue	262C3	.25	40-02-41	102.7	105.3	76
Quincy		CA BMPH-921102ID	100.3	851	120-53-04	283.5	29.34	CLEAR
ALLOC			262C3		40-02-41	102.7	105.3	76
Quincy		CA DOC-92-55	100.3		120-53-04	283.5	29.34	CLEAR
KSPY	CP	John K. LaRue	262A	.07	40-02-41	102.7	105.3	75
Quincy		CA BMPH-920316IK	100.3	851	120-53-04	283.5	30.34	CLEAR
KQEX	CP	North Star Communication	263A	.20	40-30-03	278.9	188.5	133
Rohnerville		CA BPH-880126NQ	100.5	525	124-17-10	97.5	55.52	CLEAR
KQPT	LIC	Duchossois Communication	263B	115DA	38-38-30	154.2	199.0	195
Sacramento		CA BLH-890807KA	100.5	100	121-05-25	334.8	4.035	CLOSE
DA: oddball ODD890807KA @ 0 deg								
ALLOC			263B		38-38-30	154.2	199.0	195
Sacramento		CA	100.5		121-05-25	334.8	4.035	CLOSE
KWAN	CP	Gerhard J. Hanneman, PH.	263B1	6	38-49-33	219.0	203.8	161
Gualala		CA BPH-910905MA	100.5	204	123-34-12	38.1	42.75	CLEAR
ALLOC			263B1		38-46-00	217.1	206.8	161
Gualala		CA DOC-90-467	100.5		123-31-42	36.2	45.79	CLEAR
Filing window 08/06-09/05/91 **CLOSED**								
KCEZ	LIC	Phoenix Broadcasting, In	264B	50	39-53-17	228.2	61.66	270
Corning		CA BLH-880419KA	100.7	83	122-37-38	47.9	-208	SHORT
DOC-84-982								
ALLOC			264B		39-53-17	228.2	61.66	270
Corning		CA	100.7		122-37-38	47.9	-208	SHORT
KTID-FM	CP	Marin Broadcasting Compa	264A	.91	37-59-25	188.1	254.3	200
San Rafael		CA BMPH-911002IE	100.7	247	122-29-58	7.9	54.31	CLEAR

FM Spacing study

Title: PHOENIX BROADCASTING CO
Channel 264C1 (100.7 MHz)

Latitude: 40-15-31
Longitude: 122-05-20

Call City of	Auth License	Licensee name St FCC File no.	Chan Freq	ERP-kW EAH-m	Latitude Longitude	Br-to -from	Dist. (km)	Req. (km)
ALLOC San Rafael		CA DOC-89-86	264A 100.7		37-59-25 122-29-58	188.1 7.9	254.3 54.31	200 CLEAR
KTID-FM APC San Rafael		Marin Broadcasting Compa CA BMLH-901123KC	264A 100.7	2.20 109	37-58-49 122-31-39	188.6 8.4	255.8 55.76	200 CLEAR
KWHO Weed	LIC	Tristar Broadcasting Cor CA BLH-891127KB	265A 100.9	.10 443	41-21-12 122-15-35	353.3 173.2	122.4 -10.6	133 SHORT
NEW Calistoga Cut-off 04/14/92	APC	Moonbeam, Inc. CA BPH-911115MG	265A 100.9	.06 898	38-40-10 122-37-52	194.9 14.6	182.5 49.50	133 CLEAR
NEW Calistoga Cut-off 04/14/92	APC	Gary E. Wilson CA BPH-911115MO	265A 100.9	.06 898	38-40-09 122-37-53	194.9 14.6	182.5 49.54	133 CLEAR
ALLOC Calistoga Filing window 10/16-11/15/91 **CLOSED**		CA	265A 100.9		38-38-07 122-35-13	193.5 13.2	185.3 52.26	133 CLEAR
KKMR Sparks	LIC	Jonsson Communications C NV BLH-910830KB	265A 100.9	6 62	39-22-04 119-47-07	116.0 297.5	220.7 87.66	133 CLEAR
ALLOC Sparks		NV	265A 100.9		39-32-03 119-39-44	110.5 292.0	222.6 89.58	133 CLEAR
ALLOC Auburn		CA	266B 101.1		38-51-28 121-01-39	149.4 330.0	180.3 101.3	79 CLEAR
PRM Alturas	ADD	KCNO, Inc. CA	267C 101.3		41-16-54 120-48-02	43.2 224.1	157.3 52.28	105 CLEAR
PRM Alturas	ADD	KCNO, Inc. CA	267C 101.3		41-16-54 120-48-02	43.2 224.1	157.3 52.28	105 CLEAR

>> End of channel 264C1 study <<